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9
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11
12 **IN THE UNITED STATES DISTRICT COURT**
13
14 **FOR THE DISTRICT OF NEVADA**
15
16 **SOUTHERN DIVISION**

17
18 TCR HOLDINGS, LLC, A Nevada
19 Limited Liability Company and BRUCE
20 KAHN, an individual,

21 Plaintiffs,
v.

22
23 NYE COUNTY, NEVADA, a political
24 subdivision of the State of Nevada,

25
26 Defendant.

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28 Case Number 2:09-CV-00433-JCM-GWF

Hon. James C. Mahan,
United States District Judge

Hon. George W Foley, Jr.,
United States Magistrate Judge

JUDGMENT
[FED. R. CIV. PROC. 54]

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1 Attached hereto is a proposed judgment on the two of Plaintiffs' claims that were the
2 subject of the court's March 22, 2010 order granting Plaintiffs' Motion for Partial Summary
3 Judgment.

4 || Dated: April 12, 2010.

Respectfully Submitted,

CLYDE DeWITT
LAW OFFICES OF CLYDE DeWITT, APC

By: /s/ Clyde DeWitt
Clyde DeWitt

Counsel for Plaintiffs, TRC Holdings, LLC and
Bruce Kahn

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
SOUTHERN DIVISION**

TCR HOLDINGS, LLC, A Nevada
Limited Liability Company and BRUCE
KAHN, an individual,

Plaintiffs,

V.

NYE COUNTY, NEVADA, a political subdivision of the State of Nevada,

Defendant.

Case Number 2:09-CV-00433-JCM-GWF

Hon. James C. Mahan,
United States District Judge

Hon. George W Foley, Jr.,
United States Magistrate Judge

JUDGMENT

This action came on for hearing before the Court, Hon. James C. Mahan, United States District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered, granting Plaintiffs' Motion for Summary Judgment on the following claims; and the court finding that there is no just reason for delaying the review of a judgment on fewer than all of the claims:

The Plaintiffs' First Claim for Relief seeking a declaratory judgment pursuant to 28 U.S.C. § 2201, *et seq.* that Nye County Code § 9.20.090.A, which states,

“The application shall be made upon such forms as the Board may prescribe and shall contain at least the following information and minimal requirements for a license:

9 Pursuant to 28 U.S.C. § 2201, *et seq.* the court DECLARES that Nye County Code
10 § 9.20.090.A, which states,

11 “The application shall be made upon such forms as the Board may
12 prescribe and shall contain at least the following information and minimal
13 requirements for a license:

14 “A. Evidence that applicant, or one applicant as defined in this Chapter,
15 is a bona fide resident of the State and has been so for six (6) months”
16 Violates the dormant Commerce clause of the United States Constitution and, pursuant to 42
17 U.S.C. § 1983, Defendant Nye County, Nevada, its officers, agents, servants, employees, and
18 attorneys and other persons who are in active concert or participation with any of them ARE
19 PERMANENTLY ENJOINED from enforcing or threatening to enforce Nye County Code
20 § 9.20.090.A, above.

21 THIS IS A FINAL JUDGMENT AS TO THE ENUMERATED CLAIMS.

22 || Signed this 16th day of April, 2010.

James C. Mahan
UNITED STATES DISTRICT JUDGE